

**Timeline for Processing of Clean Water Act Section 401 Water Quality Certification**  
**(excerpted from State Water Resources Control Board guidance updated March 2002)**

**Within 30 Days of Receiving an Application for 401 Water Quality Certification –**

Regional Board staff shall review the application for completeness. A complete application consists of the information described in Section 3856 of the [California Code of Regulations] (attached).

If the application is incomplete, Regional Board staff must provide written notification to the project proponent, informing them that the application is incomplete. This notification must be sent within 30 days of receiving the application. The notification should describe what additional information is required to complete the application. Please be aware that if the 30-day period passes without the Regional Board notifying the project proponent of an incomplete application, the application will be deemed complete, and the application will already be 30 days into the 401 Certification process.

**Within 60 Days of Receiving a Complete Application for 401 Water Quality Certification –**

Once a complete application has been received, the State Board and regional boards have a federal agency-dependent time period to issue or deny 401 Water Quality Certification, or to request that the federal agency provide additional time for review. For the Corps [U.S. Army Corps of Engineers], the regional boards and State Board have 60 days to issue or deny 401 Water Quality Certification, or to request from the Corps a time extension of up to one year.

If the State Board or regional boards fail to take any action within the specific time period, the federal agency can assume that 401 Water Quality Certification has been waived by the state, and the federal agency can proceed through the rest of its permitting process. The current regulations do not allow the State Board or regional boards to “waive” through inaction; and therefore, some action (deny, issue, request additional time) must be taken within the specified time period. Once again for the Corps, the time period is 60 days upon receipt of a complete 401 Water Quality Certification application.